

201 KAR 16:060. Complaint processing procedures.

RELATES TO: KRS 321.235(2), 321.351, 321.360

STATUTORY AUTHORITY: KRS 321.235(2), (3), 321.240(5), 321.351, 321.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2) authorizes the board to investigate an allegation of a practice which violates the provisions of KRS Chapter 321. This administrative regulation establishes the procedures for processing a complaint received by the board.

Section 1. Receipt of Complaints. (1) A complaint alleging misconduct which might constitute a violation of KRS Chapter 321 may be submitted by an individual, organization, or entity. A complaint shall be in writing and shall be signed by the person offering the complaint. The board may also file a complaint based on information in its possession.

(2) Upon receipt of a complaint, the board shall send a copy of the complaint to the licensed individual named in the complaint along with a request for that individual's response to the complaint. The response of the individual shall be required within twenty (20) days from the date of receipt. Failure to respond in a timely fashion may constitute a violation of the code of ethical conduct pursuant to 201 KAR 16:010, Section 18.

Section 2. Initial Board Review. (1) After the receipt of a complaint and the time period for the individual's response has expired, the board shall consider the complaint, the licensed individual's response, and other relevant material available to the board. The determination that the board makes at this point shall be whether there is enough evidence to warrant an investigation.

(2) If, in the opinion of the board, a complaint does not warrant an investigation, the board shall notify both the complaining party and the licensed individual of the outcome of the complaint.

(3) If, in the opinion of the board, a complaint warrants an investigation, the board shall open an investigation into the matter.

Section 3. Results of Investigation. (1) Upon completion of the investigation, the board shall review the investigative report and shall determine whether there is enough evidence to believe that a violation of KRS Chapter 321 may have occurred.

(2) If the board dismisses the complaint, it shall notify both the complaining party and the licensed individual of the outcome of the complaint.

(3) If the board does not dismiss the complaint, it shall proceed in accordance with the provisions of KRS 321.360. (12 Ky.R. 1557; eff. 4-17-86; 19 Ky.R. 1833; eff. 3-12-93; 24 Ky.R. 641; 1055; eff. 11-14-97.)